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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,877	02/12/2004	John M. Martin	064198.0191	6433

31625 7590 10/07/2005

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/777,877

**Applicant(s)**

MARTIN ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/15/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on June 15, 2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the examiner is considering the information disclosure statement.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim(s) 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennig et al. (US 5,479,488) in view of Gao et al. (US 2002/0196911 A1).

Regarding **claim(s) 1**, Lennig discloses a method for providing automated directory assistance (column 1, lines 9-11), comprising:

initiating a multi-stage directory assistance dialog with a user (FIG. 2 and column 6, lines 34-50) [The voice processing unit 14A initiates the directory assistance dialog with the caller by issuing a prompt to the caller];

prompting the user for a directory assistance utterance in accordance with a current stage of the multi-stage dialog (FIG. 2 and column 6, lines 34-50) [The voice processing unit 14A prompts the caller to state the name of the locality to recognize the name from its locality lexicon using speech recognition];

recording a user utterance in response to the prompt (FIG. 3A, 3B and column 7, lines 1-16) [The voice processing unit 14A records the response of the caller];

gathering one or more directory assistance search parameters from the user utterance (FIG. 3A, 3B and column 7, lines 1-24) [The voice processing unit 14A attempts to interpret the information supplied by the caller at the prompt by collecting multiple parameters of the directory assistance];

determining whether a user directory assistance query may be completed based on gathered directory assistance search parameters (FIG. 3A, 3B and column 7, lines

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17-24) [The voice processing unit 14A attempts to interpret the information supplied by the caller prompting for more information from the caller to determine the request of caller];

repeating the prompting operation until either the user directory assistance query may be completed or a determination that a user utterance satisfies an error condition (FIG. 3A, 3B and column 7, lines 25-28) [The voice processing unit 14A prompts the caller for clarification and after a predetermined number of attempts concludes the clarification has failed]; and

displaying gathered directory assistance search parameters on an operator terminal and forwarding one or more recorded user utterances to an operator for playback in response to a failure to obtain the directory assistance search parameters needed to complete the user directory assistance query (FIG. 3A, 3B and column 7, lines 29-46) [The voice processing unit 14A displays on the operator screen whatever data the automatic system has managed to determine from the caller and the recording of the caller's responses is replayed].

Lennig discloses replayed the user utterance to the operator but fails to disclose determining whether a particular user utterance received prior to a user utterance satisfying an error condition is a generic utterance or a non-generic utterance.

However, Gao teaches determining whether a particular user utterance received prior to a user utterance satisfying an error condition is a generic utterance or a non-generic utterance (FIG. 1B and paragraph 0028); and

if the particular user utterance is a non-generic utterance, playing the particular user utterance to the operator (FIG. 1B and paragraph 0055).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lennig using the conversational name dialing system as taught by Gao.

This modification of the invention enables the system to determine whether a particular user utterance received prior to a user utterance satisfying an error condition is a generic utterance or a non-generic utterance so that the user would dial the right receiving number.

Regarding **claim(s) 2, 9, 10 and 16**, Lennig discloses playing for an operator a user utterance satisfying the error condition (column 7, lines 29-34); and

playing for the operator a preceding utterance, the user utterance being received prior to the error utterance (column 7, lines 29-34).

Regarding **claim(s) 3**, Lennig discloses determining when a user utterance satisfies an error condition based on whether the user utterance is discernable utilizing speech recognition (column 7, lines 25-28).

Regarding **claim(s) 4**, Lennig discloses classifying received user utterances according to a confidence level including high confidence and one or more lesser confidences (column 7, lines 48-54).

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Regarding **claim(s) 5, 11 and 17**, Lennig discloses populating the operator terminal with the directory assistance parameters gathered from the user utterances and classified with a high confidence level (column 7, lines 29-34).

Regarding **claim(s) 6**, Lennig discloses highlighting one or more fields of the operator terminal populated with information provided by the caller in the utterances (column 7, lines 29-34).

Regarding **claim(s) 7**, Lennig discloses combining two user utterances into one utterance for playback to the operator (column 7, lines 29-34).

Regarding **claim(s) 8**, Lennig in combination with Gao disclose all the limitations of **claim(s) 8** as stated in **claim(s) 1**'s rejection above and furthermore Lennig the software embodied in computer readable media (column 5, lines 53-61) and when executed operable to:

extract for use in a computer-assisted database search one or more directory assistance search parameters from a plurality of user utterances (FIG. 2 and column 6, lines 34-50) [The voice processing unit 14A prompts the caller to state the name of the locality to recognize the name from its locality lexicon using speech recognition]; and

forward for review by an operator the extracted directory assistance search parameters and one or more recorded user utterances in response to a failure to resolve a user directory assistance query (FIG. 3A, 3B and column 7, lines 29-46) [The

voice processing unit 14A displays on the operator screen whatever data the automatic system has managed to determine from the caller and the recording of the caller's responses is replayed].

Regarding **claim(s) 12**, Lennig discloses highlight one or more fields in the operator computer screen requiring additional information from the user (column 7, lines 35-46).

Regarding **claim(s) 13 and 20**, Lennig discloses ascertain whether results from a completed directory assistance query would be more efficiently communicated to the user via the operator or via an automated service (column 7, lines 35-46).

Regarding **claim(s) 14, 18 and 19**, Lennig discloses redirect the user to an operator for communication of the directory assistance query results when the results exceed a predefined query results maximum (column 7, lines 25-28).

Regarding **claim(s) 15**, Lennig in combination with Gao disclose all the limitations of **claim(s) 15** as stated in **claim(s) 1 and 8's** rejection above and furthermore Lennig discloses an input/output port operable to communicate with a communication network (33 and 30 of FIG. 2);

a processor operably coupled to the input/output port (14A on FIG. 2); and  
a memory operably coupled to the processor (1 on FIG. 2).

***Response to Arguments***

6. Applicant's arguments with respect to **claim(s) 1-20** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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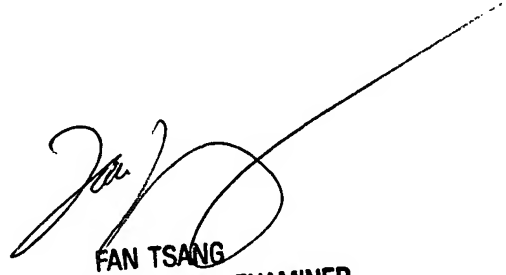
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

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October 2, 2005



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